

ORIGINAL

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Attorney for Defendant  
JOSHUA KNEPPER

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

APR 14 2006

at 2 o'clock and 02 min. P.M.  
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

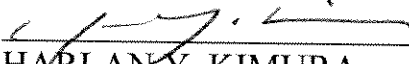
UNITED STATES OF AMERICA,	)	CR. NO. 05-00191-01 JMS
	)	
Plaintiff,	)	NOTICE OF MOTION;
	)	MOTION TO SUPPRESS
vs.	)	EVIDENCE DUE TO
	)	DEFECTIVE AFFIDAVIT FOR
JOSHUA KNEPPER,	)	SEARCH WARRANT;
	)	DECLARATION OF COUNSEL;
Defendant.	)	EXHIBIT "A"; CERTIFICATE
	)	OF SERVICE
	)	
	)	Date: April 24, 2006
	)	Time: 9:30 a.m.
	)	Judge: J. Michael Seabright

**NOTICE OF MOTION**

TO: EDWARD H. KUBO, JR., ESQ.  
United States Attorney  
LORETTA SHEEHAN, ESQ.  
Assistant United States Attorney  
PJKK Federal Building  
300 Ala Moana Boulevard, Room 6100  
Honolulu, Hawaii 96813

PLEASE TAKE NOTICE that the following motion will be heard before the Honorable J. Michael Seabright, in his courtroom in the United States Courthouse, 300 Ala Moana Boulevard, on April 24, 2006, at 9:30 a.m., or as soon thereafter as counsel may be heard.

DATED at Honolulu, Hawaii, APR 14 2006.

  
\_\_\_\_\_  
HARLAN Y. KIMURA  
Attorney for Defendant  
JOSHUA KNEPPER

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Attorney for Defendant  
JOSHUA KNEPPER

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 05-00191-01 JMS
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Plaintiff,	)	MOTION TO SUPPRESS
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	)	SEARCH WARRANT
JOSHUA KNEPPER,	)	
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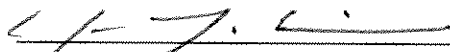
MOTION TO SUPPRESS EVIDENCE  
DUE TO DEFECTIVE AFFIDAVIT FOR SEARCH WARRANT

COMES NOW Defendant JOSHUA KNEPPER (hereinafter  
“Knepper”), by and through his counsel, Harlan Y. Kimura, and hereby moves this  
Honorable Court for an order suppressing all the evidence obtained in this case  
from his “AMERICAN UNI” black/grey colored backpack (hereinafter  
“Backpack”) because the Affidavit For Search Warrant (hereinafter “Affidavit”) in

support of Search Warrant No. SW 2005-500 did not establish Probable Cause to search the same. Specifically, the Affidavit was defective because it did not adequately: (a) set forth the qualifications or reliability of Canine “Driem”; (b) specify the qualifications of its handler, Officer Tod Wong; and (c) describe how “Driem” “alerted/indicated” to the Backpack. Additionally, there was no description of the line-up (which purportedly also included the Backpack) in the Affidavit for the reviewing judicial officer to determine whether the “alert/indication” of “Driem” constituted Probable Cause.

This Motion is being made pursuant to, and supported by, the authorities and arguments set forth in the attached Memorandum Of Law, Exhibits, and further evidence to be adduced at the hearing on the same.

DATED at Honolulu, Hawaii, APR 14 2006.



HARLAN Y. KIMURA  
Attorney for Defendant  
JOSHUA KNEPPER